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SANDRA K. MARKHAM, Clerk
By: [Signature]

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI**

DIVISION PRO TEM B

HON. WARREN R. DARROW

By: Robin Gearhart
Judicial Assistant

CASE NUMBER: V1300CR201080049

Date: November 17, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA

Sheila Sullivan Polk
Yavapai County Attorney
Bill Hughes, Esq.
Deputy Yavapai County Attorneys

(Plaintiff)

(For Plaintiff)

vs.

JAMES ARTHUR RAY

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Prescott, AZ 86301

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Truc Do, Attorney at Law
Miriam Seifter, Attorney at Law
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355 S. Grand Avenue, 35th Fl.
Los Angeles, CA 90071

(Defendant)

(For Defendant)

RULING RE NOTICE OF OBJECTIONS TO PRESENTENCE REPORT

The Court has considered the Defendant's Notice of Objections to Yavapai County Adult Probation Department's Presentence Report (Ariz. Crim. R. 26.8(a)). The first two passages questioned by the defense involve criminal history and are essentially accurate. According to the probation officer, Mr. Ray has no prior criminal history.

The third and fourth passages, which are found on pages 12 and 13 of the presentence report, involve the presentence writer's impressions of underlying events and a general statement of his views regarding the conduct of the Defendant. The Court emphasizes that these passages are not to be regarded as a precise and completely accurate presentation of the extensive evidence admitted at trial.

The Court concludes, however, that the last sentence of the final questioned passage contains conclusions that are contrary to the jury's verdict, although the word "dangerous" may have been used in its usual, rather than legal, sense.

IT IS THEREFORE ORDERED that the words "reckless" and "dangerous" are excised from the last paragraph of the report. The remaining language of the report remains as stated.

Dated this 17th day of November, 2011.


HONORABLE WARREN R. DARROW
Judge of the Superior Court

cc: Victim Services Division